

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:20-00022

ADAM MICHAEL MILLER

**MEMORANDUM OPINION AND ORDER**

Pending before the court is defendant's motion to continue trial in this case due to the public health threat caused by the COVID-19 virus and the General Orders entered in the Southern District of West Virginia. (ECF No. 50.) Counsel for defendant states that the government is not opposed to a continuance of this matter. (Id.) Pursuant to this court's earlier Order, (ECF No. 41), a jury trial was set in this case for June 30, 2020, and proposed voir dire questions, jury instructions, and witness lists were due by June 23, 2020. Pretrial motions were due by June 8, 2020, with a pretrial motions hearing set for June 15, 2020. (Id.) The court hereby **GRANTS** defendant's motion to continue.

Pursuant to the General Order #6 issued by Chief Judge Thomas E. Johnston on May 22, 2020, the court has been directed to continue all criminal jury trials in the Southern District of West Virginia through June 30, 2020. See In Re: Court Operations in Light of the Exigent Circumstances Presented by the COVID-19 Pandemic, No. 2:20-mc-00052 (S.D.W. Va. May 22,

2020) (Johnston, C.J.). In ordering the continuance of defendant's trial in this matter, the court finds that due to the current danger to the public health caused by COVID-19, the ends of justice served by ordering the continuance outweigh the interests of the public and the defendant's right to a speedy trial, pursuant to 18 U.S.C. § 3161(h)(7)(A). In so finding, the court considered the factors outlined in 18 U.S.C. § 3161(h)(7)(B) and finds that a failure to order this continuance "would be likely to make a continuation of such proceeding impossible, or result in a miscarriage of justice." Id. § 3161(h)(7)(B)(i).

Accordingly, the court hereby **ORDERS** as follows:

- I. Pretrial motions are due to the court by **July 13, 2020**;
- II. The pretrial motions hearing is continued until **July 20, 2020, at 2:30 p.m. in Charleston**;
- III. Proposed Jury Instructions, Proposed Voir Dire, and Proposed Witness Lists are due to the court by **July 28 2020**;
- IV. Trial of this action is continued until **August 4, 2020, at 9:30 a.m. in Charleston**;
- V. Pursuant to 18 U.S.C. § 3161(h)(7)(A), the time from June 30, 2020, to the new trial date of August 4, 2020, is excludable for purposes of the Speedy Trial Act.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to all counsel of record, to the United States Marshal for the Southern District of West Virginia, and to the Probation Office of this court.

IT IS SO ORDERED this 8th day of June, 2020.

**ENTER:**

A handwritten signature in cursive script, reading "David A. Faber", is written over a horizontal line.

David A. Faber  
Senior United States District Judge